

Species I discloses a beverage and snack container wherein the snack content is held in place by a retaining cap around a bottleneck.

Species II discloses a beverage and snack container wherein the snack is held in place by a container cage engulfing the snack content around the bottleneck.

The examiner has required an election of Species and allocation of the pending 32 claims.

Applicant hereby elects Species I as defined by claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 21, 22, 23, 24, 25, 26, 27, 28, and 32.

The claims that pertain to the non-elected species, containment cage, are 13, 14, 15, 16, 17, 18, 19, 20, 29, 30, and 31 which are not abandoned herein but expressly reserved to be filed as a divisional application.

The time for response to this office action was shortened to 31 days by the examiner. The office action was mailed 01/08/07. The original time to respond expired 02/08/07. This response is filed 03/08/07 therefore one month extension is requested for the filing of this response and the fee is hereby authorized to be paid from applicant's attorneys deposit account 080207. Said fee is believed to be in the sum of \$60.00 for a small entity. Should more fees be required, applicant's attorney authorizes the payment and prompt notification of the fee and the reason for the fees.

Applicant's attorney anticipates that all of the issues are resolved as to species election but if something needs clarification, he holds himself ready to timely respond to a phone call or other communication.

Upon consideration of the above remarks, the applicant respectfully believes that the application will be found in condition for review and such review for allowance is respectfully solicited.

Respectfully submitted,
/s/

John E. Halamka